

**REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
EXECUTIVE OFFICER ORDER NO. R3-2011-0208  
TO EXTEND TERMINATION DATE  
OF ORDER NO. R3-2004-0117**

**Waiver of Waste Discharge Requirements for Discharges of Waste from  
Irrigated Lands in the Central Coast Region**

The Executive Officer of the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), pursuant to authority delegated under section 13223 of the California Water Code, makes the following findings and orders the extension of the termination date of Order No. R3-2004-0117:

1. On July 9, 2004, the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board or Board) adopted Order No. R3-2004-0117, the "Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands" that includes a Monitoring and Reporting Program, waiving waste discharge requirements for discharges of waste from irrigated lands in the Central Coast Region (2004 Agricultural Order) and adopted a Negative Declaration under CEQA (2004 Negative Declaration). On July 10, 2009, the Board renewed the 2004 Agricultural Order without any substantive revisions for a term ending on July 10, 2009. On July 8, 2010, the Board renewed the 2004 Agricultural Order again without any substantive revisions for a term ending on March 31, 2011.
2. The Central Coast Water Board has engaged in a lengthy public process to consider renewal of the 2004 Agricultural Order with modifications. Since the beginning of 2009, the Central Coast Water Board and/or staff has convened meetings with grower and environmental and community group representatives, met individually with many groups and individuals, held several public workshops and informational meetings, provided multiple documents for written comments, and prepared and circulated documents pursuant to the California Environmental Quality Act (CEQA). On November 19, 2010, the Central Coast Water Board released for public comment a draft Order to renew the 2004 Agricultural Order with modifications and received significant numbers of comments on the Draft.
3. The Central Coast Water Board intended to hold a hearing on March 17, 2011 to consider adoption of an Order renewing the 2004 Agricultural Order with modifications. Due to Board member conflicts, the Central Coast Water Board did not have a quorum to take action to adopt a renewal of the 2004 Agricultural Order with modifications by March 31, 2010, the termination date for the 2004 Agricultural Order. On March 17, 2011, the Board held a panel hearing consisting of the four current Board members who do not have a conflict. Due to time constraints, the Board continued the hearing until May 4, 2011 and will continue to hear remaining public comments from those who

submitted testimony cards on March 17, 2011, and provide direction to staff with respect to the renewal of the 2004 Agricultural Order.

4. The current 2004 Agricultural Order will terminate on March 31, 2011, without further action by that date. If the 2004 Agricultural Order terminates, considerable uncertainty will be created as there will be no Water Board Order in existence to regulate discharges of waste from irrigated lands. The 2004 Agricultural Order provides a waiver of waste discharge requirements for those enrolled in the Order and requires payment of annual fees. Persons enrolled in the 2004 Agricultural Order are required to implement management practices to control discharges of waste and to comply with water quality standards, among other conditions. The 2004 Agricultural Order includes a monitoring and reporting program, including a cooperative monitoring program. If the Order terminates, the conditions of the waiver would no longer apply to the dischargers, the fee requirement would terminate, the monitoring and reporting program would no longer be in effect, and the monitoring data base continuity would be interrupted, potentially adversely affecting trend analyses. For those reasons, and others, it would not be in the public interest for the 2004 Agricultural Order to terminate pending the availability of a quorum of the Board to renew the Order with modifications.
5. Water Code section 13223 authorizes the Central Coast Water Board to delegate any of its powers and duties to its Executive Officer except "(1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements; (3) the issuance, modifications, or revocation or any cease and desist order; (4) the holding of any hearing on water quality control plans; and (5) the application to the Attorney General for judicial enforcement . . .". The Central Coast Water Board has delegated to the Executive Officer all of its powers and duties except those enumerated above. Pursuant to that delegation, the Executive Officer has the power to extend the termination date of the 2004 Agricultural Order. The Order is not a regulation, water quality control plan, or waste discharge requirement, nor does it constitute the adoption of water quality objectives.
6. Water Code section 13269 authorizes the Central Coast Water Board to waive waste discharge requirements as to specific types of discharges. Water Code section 13269(f) requires that prior to renewal of any waiver that the regional board shall review the waiver at a public hearing. On July 8, 2010, the Central Coast Water Board held a public hearing to renew the 2004 Agricultural Order and extended the termination date to March 31, 2011. The Executive Officer's action in this Order to Extend the Termination Date does not modify the terms of the current 2004 Agricultural Order, therefore, no further public hearing is necessary prior to this extension of the termination date.

**March 29, 2011**

7. This Order to Extend the Termination Date of Order No. R3-2004-0117 does not modify that Order. Order No. R3-2004-0117 contains findings required by Water Code section 13269 and CEQA and those findings are incorporated by reference into this Order to Extend Termination Date.
8. The adoption of this Executive Officer Order to Extend the Termination Date of Order R3-2004-0117 is in the public interest because it continues the conditional waiver of waste discharge requirements to assure protection of water quality that requires actions by dischargers to control discharges of waste and compliance with water quality standards, continues the monitoring and reporting program, and continues the payment of fees, pending the availability of a quorum of the Central Coast Water Board to adopt a renewed and modified waiver of waste discharge requirements.
9. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board to review the action in accordance with Section 13320 of the California Water Code and CCR, Title 23, Section 2050. The State Water Board, Office of Chief Counsel, must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE IT IS ORDERED pursuant to sections 13223 and 13269 of the California Water Code:

1. The termination date of Central Coast Water Board Order No. R3-2004-0117, a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, including a Monitoring and Reporting Program, is hereby extended until September 30, 2011.
2. No other modifications are made to Order No. R3-2004-0117.
3. Any person enrolled in Order No. R3-2004-0117 is not required to submit a new notice of intent to enroll in the Order.

**CERTIFICATION**

I, Roger W. Briggs, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Executive Order No. R3-2011-0208 issued on March 29, 2011.



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Roger W. Briggs  
Executive Officer